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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/16/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/296,538

Applicant(s)

ALI ET AL.

M

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 05/22/2003, PROSECUTION IS HEREBY REOPENED. A new ground of refection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 12 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Minor et al. US Patent No. 6,021,181.

Minor discloses a voicemail message handling system which has a controller 100 and a message storage memory 142 in figures 1 and 2. Minor teaches removing [delete] a voice message from a list [voice message memory] and placing it in a trash bin [deleted voice message memory], and that a deleted voice message in the trash bin can be retrieved if necessary (column 10, lines 33-41).

3. Claims 1-5, 12-15 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Neal, US Patent No. 6,411,685.

3.1 Regarding claim 1, O'Neal discloses a system for providing a voice message to a user with a web browser in figure 1 (column 9, lines 14-54), comprising:

- a controller [a messaging system inherently has a controller];
- a Voicemail Inbox [voice message memory] (figure 9); and
- a Voicemail Trash Bin [deleted voice message memory] (figure 9).

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O'Neal teaches that a voice message may be moved from the Inbox to the Trash Bin [deleted from Inbox and restored in the trash folder] (column 9, lines 55-65).

3.2 Regarding claim 2, O'Neal teaches a telephony system 108 for interfacing a PTSN 160.

3.3 Regarding claim 3, O'Neal teaches that a deleted voice message is retrievable for playback (column 9, lines 62-65).

3.4 Regarding claim 4, O'Neal teaches that a voice message in the trash Bin may be permanently deleted (column 9, lines 59-62).

3.5 Regarding claim 5, since O'Neal does not teach voice recognition techniques, it is inherent that a user may delete a voice message from a telephone or computer keypad.

3.6 Regarding claim 12, O'Neal discloses a method for providing a voice message to a user with a web browser in figure 1 (column 9, lines 14-54). O'Neal teaches moving a voice message from an Inbox [first memory area] to a Trash Bin [second memory area] (column 9, lines 55-65).

3.7 Regarding claim 13, O'Neal teaches retrieving a voice message form the Trash Bin (column 9, lines 62-65).

3.8 Regarding claim 14, O'Neal teaches opening the Trash Bin [folder] and selecting a voice message for playback (column 9, lines 62-65). It is inherent a playback command [predetermined code] is entered via a computer keypad.

3.9 Regarding claim 15, O'Neal teaches permanently deleting a voice message from the Trash Bin (column 9, lines 59-62).

3.10 Regarding claim 22, O'Neal discloses a system for providing a voice message to a user with a web browser in figure 1 (column 9, lines 14-54). O'Neal teaches means for moving a deleted voice message from an Inbox [first memory area] to a Trash Bin [second memory area] (column 9, lines 55-65). O'Neal also teaches means for retrieving a voice message form the Trash Bin for playback (column 9, lines 62-65).

3.11 Regarding claim 23, O'Neal teaches means for opening the Trash Bin [folder] and selecting a voice message for playback (column 9, lines 62-65). It is inherent a playback command [predetermined code] may be entered via a computer keypad.

3.12 Regarding claim 24, O'Neal teaches means for permanently deleting a voice message from the Trash Bin (column 9, lines 59-62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Pickett et al. US Patent 6,266,340.

O'Neal teaches moving a deleted voice message from the Inbox to a the Trash Bin, and permanently deleting said deleted voice message from the Trash Bin (column 9, lines 59-62), but fails to teach that the permanently deleting is performed at a predetermined time interval.

However, Pickett discloses a system and method for multiple voice data communication. Pickett teaches that a voice mail is purged [permanently deleted] from memory 424 after a predetermined period of time or at predetermined time interval (column 53, lines 37-43, 50-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Pickett so that a deleted voice message in the Trash Bin would have been automatically and permanently deleted after a predetermined period of time or at a predetermined time interval, because such modification would have purged old deleted voice messages to make room for newly deleted voice messages.

5. Claims 7, 8, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US Patent No. 6,411,685 in view of Garson et al. US Patent 5,689,550.

The O'Neal reference teaches permanently deleting a deleted voice message from the Trash Bin, but fail to teach deleting the deleted voice message when deleted voice messages reach a predetermined number.

However, Garson discloses an interactive voice messaging system. Garson teaches that when voice messages in a "delete queue" (in a memory area) reaches its limit by percentage of memory area, or by number of call (messages), the oldest record is deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Garson so that the oldest deleted voice message(s) in the Trash Bin would have been automatically and permanently deleted when deleted voice messages reached a predetermined number, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

6. Claims 9, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Sweet et al. US Patent No. 5,163,085.

The O'Neal reference teaches permanently deleting a deleted voice message from the Trash Bin, but fail to teach deleting the deleted voice message when deleted voice messages reach a predetermined percentage of the capacity of the Trash Bin.

However, Sweet discloses a digital voice storage and retrieval system in figure 2. Sweet teaches that when voice messages in a voice file reach a predetermined percentage level, the oldest voice messages in the voice file will be deleted (column 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Sweet so that the oldest deleted voice message(s) in the Trash Bin would have been automatically and permanently deleted when deleted voice messages reached a predetermined percentage of its capacity, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

7. Claims 10, 11, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Newton US Patent 5,978,757.

O'Neal teaches moving a deleted voice message from the Inbox to the Trash Bin, but fails to teach compressing said deleted voice message stored in the Trash Bin.

However, Newton discloses a system and method for post storage message compaction. Newton teaches that new voice mail messages with lower compression

ratio, are deleted from new voice message memory area, compressed with a higher compression ration, and then store in a compressed message memory area (column 4, lines 1-9, 20-32; column 15-18). It is inherent that higher compression ration has a lower bit rate.


Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Newton so that a deleted voice message would have been compressed and stored in the deleted voice message memory, because such modification would have reduced the size of the deleted voice message and allowed the Trash Bin to hold more voice messages.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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S.S.

6/30/2003

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SUPERVISORY PATENT EXAMINER
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